

## **CHAPTER OVERVIEW**

This chapter describes procedures and legal requirements when guardianship is the permanency option for a child.

- 22.1 Definition and Purpose
- 22.2 Guidelines for Assessing Guardianship
- 22.3 Procedures for Pursuing Guardianship
- 22.4 Procedures for Closing Case

### **22.1 Definition and Purpose**

Guardianship is a permanency option for those children where neither family reunification nor adoption is feasible/desirable and the caretaker family is willing to assume a greater level of responsibility and authority over the child.

Persons interested in serving as a child's guardian must file a petition in probate court in accordance with chapter 475, RSMo. If the court makes a determination that the child is a minor incapable of caring for himself and managing his affairs, a guardian is appointed. The guardian becomes legally responsible and obligated to take care of the child. The guardian must make all necessary decisions regarding the child's affairs including medical care, education and finances. Also, the guardian is under a duty to provide the child with necessary food, clothing and shelter. The guardian is directly supervised by and answerable to the court which granted the petitioner's request for guardianship.

### **22.2 Guidelines for Assessing Guardianship**

1. The Family Support Team has determined that family reunification is not likely in the foreseeable future and termination of parental rights is deemed inappropriate;
2. Adoption is not an option;
3. Current placement provider is able to meet the needs of the child including financial;
4. Current placement is stable;
5. The child's caretaker family is willing to pursue guardianship;
6. The parent(s) will consent to guardianship;
7. The child, if over 14 years of age, consents;
8. The juvenile court having jurisdiction supports guardianship as an option and is willing to terminate its jurisdiction when such is granted; and,
9. The child's Guardian ad Litem is supportive of plan for guardianship.

The Division's legal relationship, as well as services and foster care payments to the child/family, would terminate once guardianship is established, however, support services may continue as needed/desired and available.

### **22.3 Procedures for Pursuing Guardianship**

1. Discuss prospects of guardianship with the Family Support Team, i.e., child, if age appropriate, birth parent(s) and caretaker(s);
2. Discuss guardianship option with juvenile court representative and child's Guardian ad Litem;
3. If guardianship appears a viable option, caretaker family should be directed to consult with legal counsel;
4. Once a petition for guardianship has been filed, write a letter of recommendation with rationale to probate court and juvenile court and coordinate with courts, if separate, to insure child is not without a legal custodian during the transition; and,
5. Continue with services as needed or desired by family and available through agency.

### **22.4 Procedures for Closing Case**

The following procedures are required by the Children's Service Worker after the court has issued an Order for Guardianship:

1. Close necessary forms which include all SEAS forms, the SS-61, the SS-63, and the KIDS account.
2. Update dictation and complete the CS-16e, Risk Reassessment and the final page of CS-16.
3. Place copy of Order for Guardianship in record.
4. Send family letter advising the case has been closed and offering services if needed by the family in the future.

Related Subject: Chapter 30, in this section, on Subsidizing an Adoption/Legal Guardianship.
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Related Subject: Chapter 12, of this section, Kinship Care.
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